



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Frank FRANTZEN Confirmation No: Unknown
Appl. No. : 09/869,060
Filed : June 25, 2001
Title : ASSAY FOR HOMOCYSTEINE

TC/A.U. : 1619
Examiner : Unknown

Docket No.: FRAN3006/REF
Customer No: 23364

**PETITION TO REVIVE ABANDONED APPLICATION
UNDER 37 C.F.R. § 1.137 (b)**

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

MAR 2 2 2005

OFFICE OF PETITIONS

Sir:

The above-identified application has been transferred to the undersigned attorney for further prosecution as evidenced by the attached Revocation of Power of Attorney and Appointment of New Attorney and Change of Address. The British attorney who instructs the undersigned in the prosecution of this application advised the undersigned that communication with the previous attorney was unsatisfactory and Applicant and the British Attorney have never been advised by the former United States attorney of the status of this application. This failure in communication resulted in the transfer of this application to the undersigned attorney. The undersigned attorney has not yet received copies of the files from the former United States attorney. The British firm has never received a copy of the Official Action, the failure to response to which has resulted in the abandonment of the present application.

The undersigned attorney accessed public PAIR and entered the number of this application, 09/869,060, and was advised that the number was incorrectly entered or that the file is not available. The application number had been correctly entered and therefore the undersigned attorney could not obtain a copy of the Office Action from the IFW.

Appl. No. 09/869,060
Petition to Revive dated: March 17, 2005

The group Art Unit was indicated on the revocation and power of attorney attached hereto and received in the office of the undersigned attorney. The Group Art Unit was contacted as to the status of the application and it was learned that the above identified application had gone abandoned on October 2, 2003 due to failure to respond to an Official Action dated March 25, 2003. If the Official Action was mailed on March 25, 2003, the statutory period would expire on September 25, 2003.

Applicant was unaware that an office action had been issued on this application or that the application had gone abandoned because the previous attorney of record never informed Applicant of the situation.

Applicant has not received a copy of the Official Action dated March 25, 2003, and cannot file a proper response thereto. It is most respectfully requested that a copy of the outstanding Official Action be provided the undersigned attorney so that a proper response can be filed, the requirement of providing a complete response to the Official Action be met, and the application be returned to pending status.

The undersigned attorney hereby states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR §1.137(b) was unintentional.

The fee of \$750 required for this Petition under 37 CFR §1.17(m) is also submitted herewith and small entity status asserted.

The Commissioner is hereby authorized to charge any fees necessary for this petition under 37 CFR 1.137(b) to Deposit Account No. 02-0200. A duplicate copy of this paper is also enclosed.

Respectfully submitted,
BACON & THOMAS, PLLC

By: 

Richard E. Fichter
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Date: March 17, 2005